

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
BRUNSWICK DIVISION

FILED
U.S. DIST. COURT
BRUNSWICK, DIV.

2005 JUN -8 P 3:20

CLERK *[Signature]*
SO. DIST. OF GA.

MELVIN ANDERSON,

Plaintiff,

vs.

CIVIL ACTION NO.: CV204-139

HARLEY G. LAPPIN; KATHLEEN
HAWK-SAWYER; HARRELL
WATTS and THE FEDERAL BUREAU
OF PRISONS,

Defendants.

ORDER

Plaintiff filed a Motion for Recusal in which he moves the undersigned to recuse himself from the captioned cause of action. Plaintiff asserts that the undersigned "has a long time personal relationship" with Defendant Kathleen Hawk-Sawyer because she owns real estate on St. Simons Island, Georgia. (Doc. No. 45, p. 2.) Plaintiff contends that, because of the alleged personal relationship between the undersigned and Defendant Hawk-Sawyer, he is being deprived of his right to a fair trial before an impartial judge. Plaintiff avers that the undersigned's bias and impartiality are evidenced by the undersigned having entered Orders which were not favorable to Plaintiff, particularly the undersigned's denial of Plaintiff's Federal Tort Claims Act claims. Plaintiff moves the undersigned to recuse himself pursuant to 28 U.S.C.A. § 455(a).

"Any justice, judge, or magistrate of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned." 28 U.S.C.A. §

455(a). The test of whether a judge should recuse himself under this section is whether "an objective, disinterested, lay observer fully informed of the facts underlying the grounds on which recusal was sought would entertain a significant doubt about the judge's impartiality." United States v. Berger, 375 F.3d 1223, 1227 (11th Cir. 2004) (quoting United States v. Patti, 337 F.3d 1317, 1321 (11th Cir. 2003)).

There is no evidence that Defendant Hawk-Sawyer owns real estate on St. Simons Island. If she does, the undersigned is not aware of it. Even if Defendant Hawk-Sawyer owns real estate on St. Simons Island, no personal or other relationship exists between the undersigned and Defendant Hawk-Sawyer.

Plaintiff's Motion for Recusal (Doc. 45) is **DENIED**.

SO ORDERED, this 8 day of June, 2005.



JUDGE, UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA

United States District Court
Southern District of Georgia

ANDERSON

vs

LAPPIN, ET AL

CASE NUMBER CV204-139

DIVISION

BRUNSWICK

The undersigned, a regularly appointed and qualified deputy in the office of the Clerk of this district, while conducting the business of the Court for said division, does hereby certify the following:

1. Pursuant to the instructions from the Court and in the performance of my official duties, I personally placed in the United States Mail a sealed envelope, and properly addressed to each of the persons, parties or attorneys named below; and
2. That the aforementioned enveloped contained a copy of the document dated 6/8/05, which is part of the official record of this case.

Date of Mailing: 6/8/05

Date of Certificate



same date,

or

Scott L. Poff, Clerk

By:

Sherry Taylor

Sherry Taylor, Deputy Clerk

Name and Address

Melvin Anderson, 82106-020, FCI Jesup, 2680 Highway 301 S, Jesup, GA 31599
Delora Kennebrew



Copy placed in Minutes



Copy given to Judge



Copy given to Magistrate